Montana State Legislature

2013 Session

Additional Documents include:

- *Business Report
- *Roll Call-attendance
- *Standing Committee Reports,
- *Table Bills, Fiscal reports etc.
- *Roll Call Votes
- *Witness Statements
- *Informational items
- *Visitor Registrations
- *Any other Documents;
 - ~Petitions if any?
 - ~Any and all material handed in after the meeting end.

The original is on file at the Montana Historical Society and may be viewed there.

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BUSINESS REPORT

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

SENATE NATURAL RESOURCES COMMITTEE

Date: Wednesday, February 20, 2013

Place: Capitol

Time: 3:00 PM

Room: 422

BILLS and RESOLUTIONS HEARD:

SB 346 - Revise exempt well laws - Sen. Chas Vincent

SB 332 - Generally revise open-cut laws - Sen. Bruce Tutvedt

SB 335 - Allow for removal of natural obstruction to exercise water right - Sen. Bradley Hamlett

SB 337 - Clarify standing provisions in Water Court proceedings - Sen. Bradley Hamlett

SJ 15 - Interim study on public land management - Sen. Jennifer Fielder

EXECUTIVE ACTION TAKEN:

SB 316 - DPAA

SB 288 - DPAA

SB 237 - DPAA

SB 332 - DPAA

SJ 15 - DP

SB 263 - Partial Action

SB 229 - Tabled

SB 234 - Tabled

SB 281 - Tabled

Comments:

Clochened

SEN. Chas Vincent, Chair

DATE: 2-20-13

NAME	PRESENT	ABSENT/
		EXCUSED
SENATOR CHAS VINCENT, CHAIR		
SENATOR JOHN BRENDEN, VICE CHAIR		
SENATOR DEBBY BARRETT		
SENATOR JENNIFER FIELDER	$\sqrt{}$	
SENATOR BRAD HAMLETT	V	
SENATOR VERDELL JACKSON		
SENATOR CHRISTINE KAUFMANN		EXCUSED
SENATOR JIM KEANE		EXCUSEd_
SENATOR CLIFF LARSEN	$\sqrt{}$	
SENATOR MIKE PHILLIPS	V ,	
SENATOR RICK RIPLEY		
SENATOR MATTHEW ROSENDALE		EXCUSED
SENATOR MITCH TROPILA		EXCUSE d
SENATOR ED WALKER		EXCUSEd
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February 20, 2013 Page 1 of 1

Mr. President:

We, your committee on Natural Resources recommend that Senate Bill 316 (first reading copy -- white) do pass as amended.

Signed:

Senator Chas Vincent, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Strike: "ELEMENTS"

Insert: "FEATURES AND IMPROVEMENTS"

2. Page 5, line 3.
Strike: "elements"

Insert: "features and improvements"

3. Page 8, line 10.

Strike: "or well isolation zone"

4. Page 8, line 13 and 14.

Strike: "A well" on line 13 through "extension." on line 14

- END -

Committee Vote:
Yes 14, No 0
Fiscal Note Required ___



February 20, 2013 Page 1 of 5

Mr. President:

We, your committee on Natural Resources recommend that Senate Bill 288 (first reading copy -- white) do pass as amended.

Signed:

Senator Chas Vincent, Chair

And, that such amendments read:

1. Page 1, line 27.

Strike: "Montana-licensed and Montana-certified"

Insert: "qualified by training approved by the federal highway
 administration"

2. Page 12.

Following: line 28

Insert: "COORDINATION SECTION. Section 12. Coordination instruction. If [this act] is passed and approved and Senate Bill No. 180 is passed and approved, then the amendments to 70-30-101 contained in [section 3 of this act] are void, and 70-30-101 must be amended as follows:

"70-30-101. Eminent domain defined <u>Definitions</u>. As used in this chapter, the following definitions apply:

- (1) "Appraisal" means the written estimate of the fair market value of a property by a certified general appraiser in accordance with [section 1].
- (2) "Comparable sales" means the value of a property interest that is similar to a property being appraised and that is sold by one party to another in an arm's-length transaction.
- (3) Eminent domain is "Eminent domain" means the right of the state or its agents in charge of the public use to take private property for public use. This right may be exercised in the manner provided in this chapter.
- (4) "Merchant transmission line" means a transmission facility that transmits electricity for which costs are not established and recovered by a Montana regulatory authority, the

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Yes 11, No 3

Fiscal Note Required

- owner or operator of which charges rates or assumes market risks for transmitting electricity for third parties that meet current criteria for evaluating merchant transmission projects by the federal energy regulatory commission. A merchant transmission line consists of a single transmission line with specified termination points constructed and entered into service as a single unit.
- (5) "State or its agents" means an entity able to take private property in accordance with this chapter for a public use enumerated in 70-30-102. An entity may otherwise be delegated the power of eminent domain in statute for a public use enumerated in 70-30-102.
- (5) "Subject property" means the property interest being appraised.""
- Insert: "COORDINATION SECTION. Section 13. Coordination instruction. If [this act] is passed and approved and Senate Bill No. 180 is passed and approved, then the amendments to 70-30-102 contained in [section 4 of this act] are void, and 70-30-102 must be amended as follows:
- "70-30-102. Public uses enumerated. Subject to the provisions of this chapter, the right of eminent domain may be exercised for the following public uses:
- (1) all public uses authorized by the government of the United States;
- (2) public buildings and grounds for the use of the state and all other public uses authorized by the legislature of the state;
- (3) public buildings and grounds for the use of any county, city, town, or school district;
- (4) canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the inhabitants of any county, city, or town;
- (5) projects to raise the banks of streams, remove obstructions from streambanks, and widen, deepen, or straighten stream channels;
- (6) water and water supply systems as provided in Title 7, chapter 13, part 44;
- (7) roads, streets, alleys, controlled-access facilities, and other publicly owned buildings and facilities for the benefit of a county, city, or town or the inhabitants of a county, city, or town;
- (8) acquisition of road-building material as provided in 7-14-2123;
 - (9) stock lanes as provided in 7-14-2621;
 - (10) parking areas as provided in 7-14-4501 and 7-14-4622;
- (11) airport purposes as provided in 7-14-4801, 67-2-301, 67-7-210, and Title 67, chapters 10 and 11;
- (12) urban renewal projects as provided in Title 7, chapter 15, parts 42 and 43, except that private property may be acquired for urban renewal through eminent domain only if the property is determined to be a blighted area, as defined in 7-15-4206(2)(a),

- (2) (h), (2) (k), or (2) (n), and may not be acquired for urban renewal through eminent domain if the purpose of the project is to increase government tax revenue;
- (13) housing authority purposes as provided in Title 7, chapter 15, part 44;
- (14) county recreational and cultural purposes as provided in 7-16-2105;
- (15) city or town athletic fields and civic stadiums as provided in 7-16-4106;
- (16) county cemetery purposes pursuant to 7-11-1021, cemetery association purposes as provided in 35-20-104, and state veterans' cemetery purposes as provided in 10-2-604;
- (17) preservation of historical or archaeological sites as provided in 23-1-102 and 87-1-209(2);
 - (18) public assistance purposes as provided in 53-2-201;
 - (19) highway purposes as provided in 60-4-103 and 60-4-104;
 - (20) common carrier pipelines as provided in 69-13-104;
- (21) water supply, water transportation, and water treatment systems as provided in 75-6-313;
- (22) mitigation of the release or threatened release of a hazardous or deleterious substance as provided in 75-10-720;
- (23) the acquisition of nonconforming outdoor advertising as provided in 75-15-123;
- (24) screening for or the relocation or removal of junkyards, motor vehicle graveyards, motor vehicle wrecking facilities, garbage dumps, and sanitary landfills as provided in 75-15-223;
- (25) water conservation and flood control projects as provided in 76-5-1108;
 - (26) acquisition of natural areas as provided in 76-12-108;
- (27) acquisition of water rights for the natural flow of water as provided in 85-1-204;
- (28) property and water rights necessary for waterworks as provided in 85-1-209 and 85-7-1904;
 - (29) conservancy district purposes as provided in 85-9-410;
- (30) wharves, docks, piers, chutes, booms, ferries, bridges, private roads, plank and turnpike roads, and railroads;
 - (31) canals, ditches, flumes, aqueducts, and pipes for:
- (a) supplying mines, mills, and smelters for the reduction of ores;
- (b) supplying farming neighborhoods with water and drainage;
 - (c) reclaiming lands; and
- (d) floating logs and lumber on streams that are not navigable;
- (32) sites for reservoirs necessary for collecting and storing water. However, reservoir sites must possess a public use demonstrable to the district court as the highest and best use of the land.
- (33) roads, tunnels, and dumping places for working mines, mills, or smelters for the reduction of ores;

- (34) outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines, mills, and smelters for the reduction of ores;
- (35) an occupancy in common by the owners or the possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines, mills, or smelters for reduction of ores and sites for reservoirs necessary for collecting and storing water for the mines, mills, or smelters. However, the reservoir sites must possess a public use demonstrable to the district court as the highest and best use of the land.
- (36) private roads leading from highways to residences or farms;
 - (37) telephone or electrical energy lines, except that:
- (a) local government entities as defined in 2-7-501, municipal utilities, or competitive electricity suppliers may not use this chapter to acquire existing telephone or electrical energy lines and appurtenant facilities owned by a public utility or cooperative for the purpose of transmitting or distributing electricity or providing telecommunications services; and
- (b) a merchant transmission line may not use this chapter to acquire property;
 - (38) telegraph lines;
 - (39) sewerage of any:
- (a) county, city, or town or any subdivision of a county, city, or town, whether incorporated or unincorporated;
 - (b) settlement consisting of not less than 10 families; or
- (c) public buildings belonging to the state or to any college or university;
 - (40) tramway lines;
 - (41) logging railways;
- (42) temporary logging roads and banking grounds for the transportation of logs and timber products to public streams, lakes, mills, railroads, or highways for a time that the court or judge may determine. However, the grounds of state institutions may not be used for this purpose.
- (43) underground reservoirs suitable for storage of natural gas;
- (44) projects to mine and extract ores, metals, or minerals owned by the condemnor state or its agents located beneath or upon the surface of property where the title to the surface vests in others. However, the use of the surface of property for strip mining or open-pit mining of coal (i.e., any mining method or process in which the strata or overburden is removed or displaced in order to extract the coal) is not a public use, and eminent domain may not be exercised for this purpose.
- (45) projects to restore and reclaim lands that were strip mined or underground mined for coal and not reclaimed in accordance with Title 82, chapter 4, part 2, and to abate or control adverse effects of strip or underground mining on those lands."

Renumber: subsequent sections

- END -



February 20, 2013 Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 237** (first reading copy -- white) **do pass as amended**.

Signed: / Clas Vure

Senator Chas Vincent, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Following: "PURCHASES"

Insert: "BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

2. Title, page 1, line 8.

Strike: "CERTAIN LAND ACQUISITIONS"

Insert: "FISHING ACCESS SITES"

3. Title, page 1, line 9.

Strike: "2-17-101," through "22-3-1003,"

Following: "23-1-102,"

Strike: remainder of line 9

4. Title, page 1, line 10.

Strike: "77-1-102," through "85-1-209,"

5. Page 1, line 15 through page 8, line 25.

Strike: section 1 through section 6 in their entirety

Renumber: subsequent sections

6. Page 9, line 24 through page 21, line 2.

Strike: section 8 through section 17 in their entirety

Renumber: subsequent sections

- END -

Committee Vote:
Yes 10, No 4
Fiscal Note Required ___



February 20, 2013 Page 1 of 2

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 332** (first reading copy -- white) **do pass as amended**.

Signed: Us Umut

Senator Chas Vincent, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Following: "SECTIONS"
Insert: "7-14-2124,"

2. Title, page 1, line 7.

Strike: "82-4-434,"

3. Page 1, line 11.

Following: line 10

- (1) Any crushed Crushed rock or gravel not directly used or needed by the county in the construction, repair, or maintenance of its roads may be sold by the board of county commissioners at not less than actual cost of production to only a:
- (a) any person, firm, or corporation desiring to use it upon any public street or highway in the county; or
- (b) landowner for personal use in an area within 5 miles of the opencut operation where the materials were mined.
- (2) The proceeds of any $\frac{\text{such}}{\text{sale }\frac{\text{shall }\underline{\text{must}}}{\text{be paid into}}}$ be paid into the county road fund.""

Renumber: subsequent sections

4. Page 5, line 7. Strike: "(4) and (5)" Insert: "(5) and (6)"

Committee Vote:

Yes 14, No 0

Fiscal Note Required ___

5. Page 5, line 26. Following: line 25

Insert: "(3) At the operator's request and with department
 approval, the operator may have up to 1 additional year to
 perform the reclamation required by subsection (2)(c),
 provided the operator does not apply to extend or continue
 the limited opencut operation pursuant to subsection (4)."

Renumber: subsequent subsections

6. Page 5, line 27.

Strike: "(3)"
Insert: "(4)"

7. Page 12, line 8 through page 14, line 8.

Strike: section 7 in its entirety

Renumber: subsequent section

- END -



February 20, 2013 Page 1 of 1

Mr. President:

We, your committee on Natural Resources recommend that Senate Joint Resolution 15 (first reading copy -- white) do pass.

Signed: _______ Senator Chas Vincent, Chair

- END -

Committee Vote: Yes 14, No 0 Fiscal Note Required ___

BILL TABLED NOTICE

SENATE NATURAL RESOURCES COMMITTEE

The **SENATE NATURAL RESOURCES COMMITTEE** TABLED

SB 229 - Revise open-cut mining laws - Sen. Bradley Hamlett

SB 234 - Provisional permits for gravel pits - Sen. Jim Peterson

SB 281 - Require DEQ collaboration on climate change efforts - Sen. Mike Phillips

, by motion, on Wednesday, February 20, 2013.

(For the Committee)

(For the Secretary of the Senate)

Γime) (Dat

February 22, 2013 (12:21pm)

Mary Kulawik, Secretary

Phone: 444-4889

DATE 2-	90-13 BILL NO	B229MOTION NO.	
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NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
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SENATOR JENNIFER FIELDER		√	
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SENATOR MATTHEW ROSENDALE		$\sqrt{}$	X
SENATOR MITCH TROPILA	-	V	
SENATOR ED WALKER		V	
SENATOR CHAS VINCENT, CHAIR		V	

8-2

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SENATOR CHAS VINCENT, CHAIR			

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DATE 3-20-13 BILL NO 28381	_MOTION N	О	and the state of t
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NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
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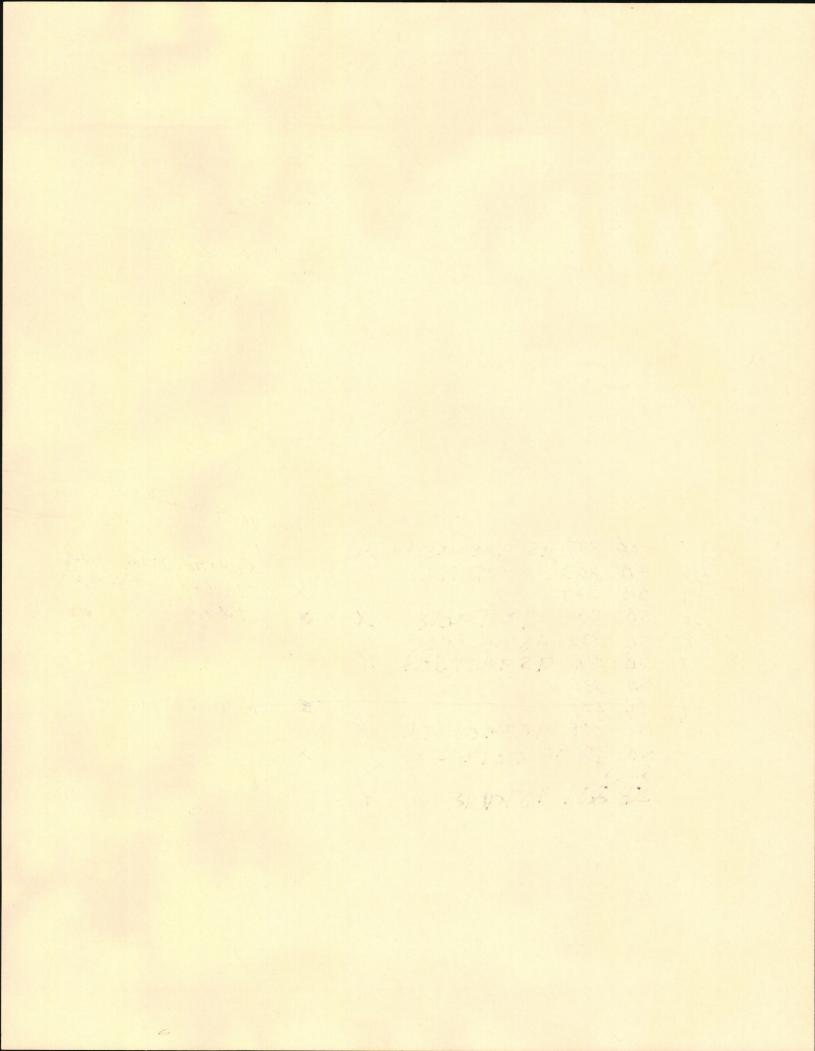
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MONTANA STATE SENATE Roll Call Vote NATURAL RESOURCES COMMITTEE \$\sigma \text{R}\$

DATEBILL NO 237 MOTION:	MOTION N	Ю	
MOTION: MOTION TO DP	A		
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with
SENATOR JOHN BRENDEN, VICE CHAIR			minutes
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SENATOR CHAS VINCENT, CHAIR	V		
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SENATE PROXY

Senator Senate	Natural Resources meeting held Signature	proxy b	efore t	
Said au	thorization is as follows: (mark o	only one)		
761283 -5	All votes as directed below on the Votes only as directed below. Bill No./Amendment No. 56 237 GS GWENDED 58 263 (No action) 56 234 - To Table 58 332 GS GWENDED 58 330 58 380 58 28/		No	No Action Tiday - puloy Tabled for tel 22,12013 Tobled No Hetion Foday



Wednesday, February 20, 2013 SB 346 - Revise exempt well laws Sponsor: Sen. Chas Vincent

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Name	Representing	Support	Oppose	Info
Bill Schenk	DFUP	×		
John Jourghers	MFBI	×		
Knista le Guaris	SYWRC, ABAI	X	·	
Jay Bodnar	MSG-A	+		
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GREG CHILCOTT	MACO	~		
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Dustra Stewart	MBIA	X	2	
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Wednesday, February 20, 2013 SB 332 - Generally revise open-cut laws Sponsor: Sen. Bruce Tutvedt

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MARL AAgenes	MTU	×	X	
Anne Hedges	milc		×	
Jean Kila	Privah Citzer		V	
Steve Wade	MCA	X	_^_	
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Wednesday, February 20, 2013 SB 335 - Allow for removal of natural obstruction to exercise water right Sponsor: Sen. Bradley Hamlett

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Wednesday, February 20, 2013
SB 337 - Clarify standing provisions in Water Court proceedings
Sponsor: Sen. Bradley Hamlett

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Bill School	OFWP		X	
John Youngberg	MEBE	X		
John Young berg Kristalle Evans	SYURC, AGAI	X		
Jay Bodner		X		
Jacob Casq. []	MSGA MT Farmus Min	X		
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Wednesday, February 20, 2013 SJ 15 - Interim study on public land management Sponsor: Sen. Jennifer Fielder

PLEASE PRINT

Name Representing Support Oppose Info					
Representing	Support	Oppose	Info		
MACE / BOYALLI COUNTY	-				
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	Representing MACS / RAVALLI COUNTY	A A	Representing Support Oppose MACS / RAVALLI COUNTY		